



# CITY COUNCIL

## AGENDA REQUEST

AGENDA OF:	12/04/07	AGENDA REQUEST NO:	VI B
INITIATED BY:	LISA KOCICH-MEYER, SENIOR PLANNER <i>ken</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	LISA KOCICH-MEYER, SENIOR PLANNER	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL, AICP, DIRECTOR OF PLANNING <i>AK</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A
SUBJECT / PROCEEDING:	PERMANENT ZONING FROM INTERIM STANDARD SINGLE-FAMILY RESIDENTIAL TO STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT FOR TELFAIR SECTION NINETEEN PUBLIC HEARING, FIRST READING AND PASS TO SECOND READING OF ORDINANCE NO. 1663		
EXHIBITS:	VICINITY MAP, TELFAIR GENERAL PLAN, ORDINANCE NO. 1663, APPLICATION AND CORRESPONDENCE, PUBLIC HEARING NOTICE		
CLEARANCES		APPROVAL	
LEGAL:	MEREDITH WILGANOWSKI, <i>YHFW</i> ASSISTANT CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Kg</i> FOR AB
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
AMOUNT BUDGETED/REALLOCATION: \$		N/A	
ADDITIONAL APPROPRIATION: \$		N/A	
RECOMMENDED ACTION			
Hold Public Hearing; approve First Reading and pass to Second Reading, Ordinance No. 1663, rezoning the property located in Telfair Section 19, from interim Standard Single Family (R-1) to permanent Standard Single Family			

## EXECUTIVE SUMMARY

This is a request to permanently zone 8.397 acres known as Telfair Section 19, from Interim Standard Single-Family Residential (R-1) to permanent Standard Single-Family Residential (R-1). The property is located in Tract 4 of the Telfair development north of New Territory Boulevard and west of Chatham Avenue. The Telfair property was annexed by the City under Ordinance No. 1431 on April 6, 2004 and was officially incorporated into the City on July 1, 2004. At that time Interim R-1 zoning was applied to the 8.397 acres. This request is in conformance with the Telfair General Plan (Amendment No. 3), approved by Council on December 19, 2006 and is not in conflict with the City of Sugar Land Comprehensive Plan.

This zoning request, if approved by City Council, would require this property to comply with all R-1 (Standard Single-Family Residential) regulations as contained in Chapter 2 of the City of Sugar Land Development Code. A Public Hearing was held at the October 25, 2007 Planning and Zoning Commission meeting. The Commission asked for clarification on the location on the proposed fire station site and no members of the public spoke on this item. The Planning and Zoning Commission unanimously recommended approval of permanent R-1 zoning at the November 13, 2007 Planning and Zoning Commission meeting,

This permanent zoning addition of Telfair Section 19 will bring the total R-1 acreage in Telfair to approximately 545 acres if approved. This item requires a Public Hearing at Council prior to any action.

File No. 8793

CC: Keith Behrens, Newland Communities [kbehrens@newlandcommunities.com](mailto:kbehrens@newlandcommunities.com)

Phil Mullan, P.E., Brown & Gay Engineers [pmullan@browngay.com](mailto:pmullan@browngay.com)

## EXHIBITS

**STAFF REPORT**  
**DETAILED INFORMATION**

**GENERAL SITE INFORMATION AND ANALYSIS:**

<b>Compliance with Comprehensive Plan</b>	<b>This proposal is not in conflict with the Comprehensive Plan.</b>
<b>Compliance with General Plan</b>	<b>Telfair General Plan Amend. No. 3 indicates R-1 for this section.</b>
<b>Subject Property</b>	<b>Interim Standard Single Family Residential (R-1)</b>
<b>Surrounding Property Zoning</b>	<b>North: Standard Single-Family Residential (R-1) South: Standard Single-Family Residential (R-1) East: Interim Standard Single-Family Residential (R-1) West: N/A</b>
<b>Surrounding Land Use</b>	<b>North: Developing Single-Family Residential South: New Territory Boulevard and Developed Single-Family Residential East: Undeveloped West: COSL ETJ – New Territory Subdivision</b>

On November 16, 2004, City Council adopted the revised Land Use Plan portion of the City's Comprehensive Plan under Ordinance No. 1468. The Land Use Plan serves as a guide for recommendations of permanent zoning for annexed properties and rezoning of existing properties within the City. The 8.397 acres of Telfair Section 19 were intended for single-family residential development when the developer petitioned the City for annexation. This proposed land use is in accordance with the City's Land Use Plan, and the Telfair General Plan Amendment No. 3 (approved December 19, 2006).

The Telfair General Plan shows a potential fire station in this area. The City and the developer have determined to locate the proposed fire station site in an adjacent future section within Telfair. The relocation of the fire station site will not require an amendment to the Telfair General Plan as a result of the approval of specific language with Amendment No. 3 to the Telfair General Plan.

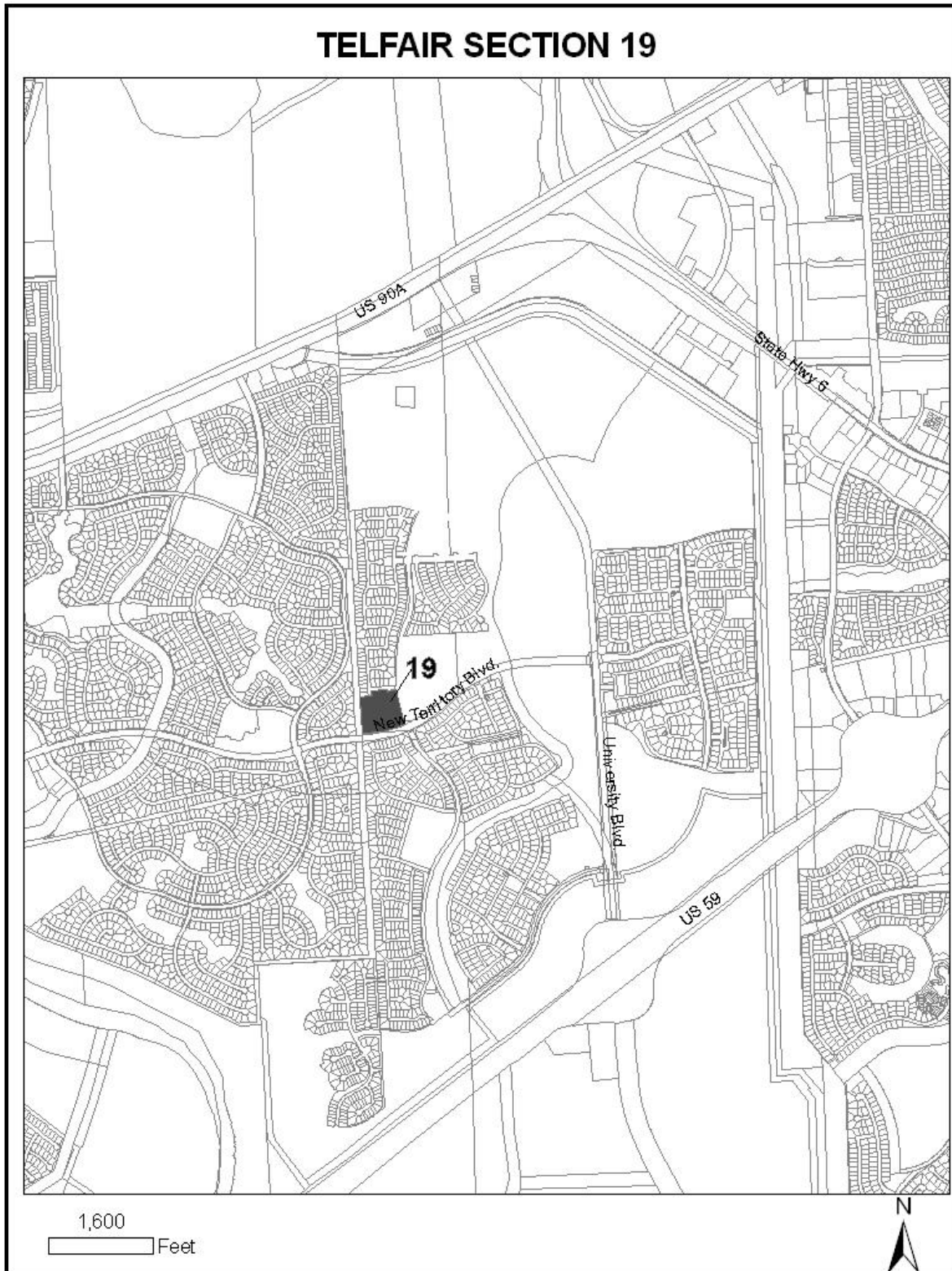
If approved, the total amount of R-1 zoning in place in Telfair will be approximately 545 acres located in Telfair Sections 1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 14, 16, 17, 18; and Section 15 and Section 19 pending Council approval.

**POINTS FOR CONSIDERATION:**

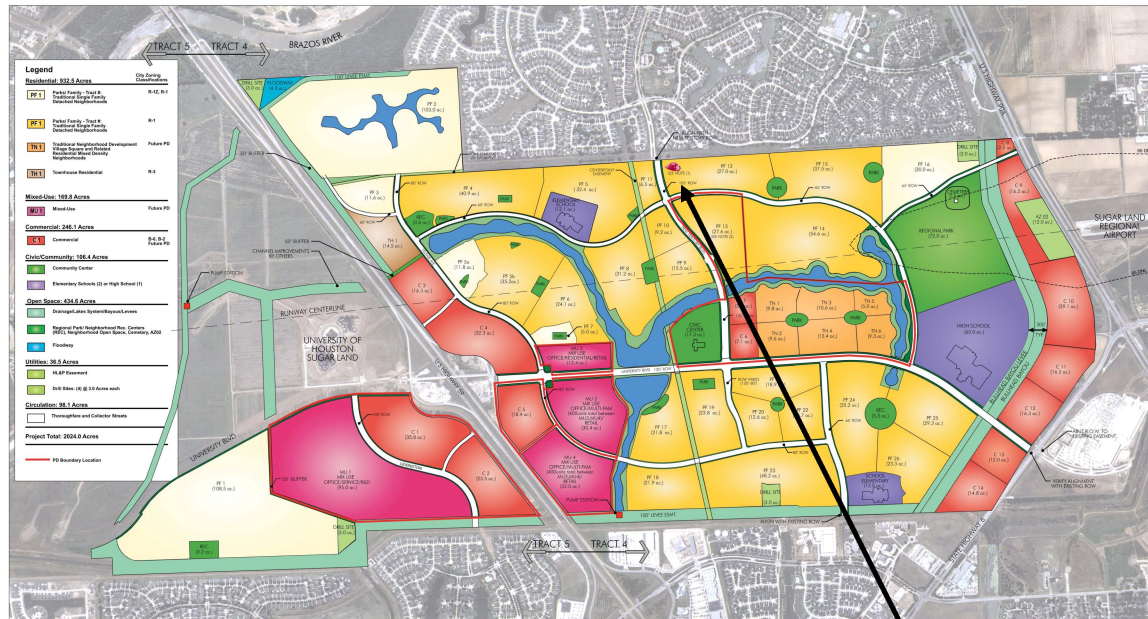
**Request for Standard Single-Family Residential zoning for Telfair Section 19 is:**

- **Not in conflict with the City of Sugar Land Comprehensive Plan**
- **In conformance with Telfair General Plan Amendment No. 3**

**Vicinity Map:**



**Telfair General Plan (Amendment No. 3):  
Approved December 19, 2006**



**GENERAL NOTES**

- (1) The Fire Station Site may be relocated to an agreed location between Newland Communities and the City of Sugar Land without future General Plan revisions.
- (2) PF 13 - will be permanently zoned R-1 or a future Mixed-Use Residential PD.
- (3) Development will comply with subdivision regulations relating to second points of access.



**TELFAIR**  
**LAND USE PLAN - AMENDMENT 3**  
 OWNER: NEWLAND COMMUNITIES  
 10235 W. LITTLE YORK, SUITE 260  
 HOUSTON, TEXAS 77040

**DESIGN FIRM: TBG PARTNERS**  
 LAND PLANNERS / LANDSCAPE ARCHITECTS  
 901 S MOPAC EXPRESSWAY  
 BLDG 2, SUITE 350  
 AUSTIN, TX 78746

Original Date: July 30, 2003  
 Revised Date: Oct. 17, 2006

This information shown is based on the best information available and is subject to change without notice.

**TELFAR**

## Section 19

**ORDINANCE NO. 1663**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING THE 8.397 ACRES OF LAND KNOWN AS TELFAIR SECTION 19 LOCATED SOUTH OF U.S. 90A AND IMMEDIATELY NORTH OF NEW TERRITORY BOULEVARD AS ZONING DISTRICT R-1, STANDARD SINGLE-FAMILY RESIDENTIAL DISTRICT.**

WHEREAS, NNP-Telfair, LLP has requested that the 8.397 acres of land known as Section 19 located south of U.S. 90A and immediately north of New Territory Boulevard be permanently zoned as Zoning District R-1, Standard Single-Family Residential District, as described in Exhibit A; and

WHEREAS, the City Council has held a public hearing on the proposed permanent zoning for which notice was given as required by law; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That the 8.397 acres of land, described in Exhibit A, attached to and incorporated into this ordinance by reference, is permanently zoned as Zoning District R-1, Standard Single-Family Residential District.

**Section 2.** That the City's official zoning map is amended to show the permanent zoning district classification.

READ IN FULL on first consideration on \_\_\_\_\_, 2007.

APPROVED upon second consideration on \_\_\_\_\_, 2007.

\_\_\_\_\_  
David G. Wallace, Mayor

ATTEST:

Reviewed for Legal Compliance:

*Meredith Wilganski*

\_\_\_\_\_  
Glenda Gundermann, City Secretary

Attachment: Exhibit A – Metes and Bounds Description

**Exhibit A - Metes and Bounds:**

TELFAIR SEC. 19  
PLAT DESCRIPTION  
8.397 ACRES

SEPTEMBER 4, 2007  
JOB NO. 13716-6T  
R:\PROJECTS\FBCMUD\Fbmud137\13716-6T\8.397 Ac.doc

DESCRIPTION OF AN 8.397 ACRE TRACT OF LAND  
SITUATED IN THE M.M. BATTLE LEAGUE, A-9  
CITY OF SUGAR LAND  
FORT BEND COUNTY, TEXAS

SEP 04 2007  
PLANNING

BEING an 8.397 acre tract of land situated in the M.M. Battle Survey, Abstract No. 9, City of Sugar Land, Fort Bend County, Texas, being out of a 1651.239-acre tract of land described in a deed recorded at Fort Bend County Clerk's File No. 2003149525, said 8.397-acre tract being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with a Brown & Gay cap found for the most westerly northwest corner of New Territory Boulevard, 105 feet of right-of-way as delineated on the plat thereof recorded at Plat No. 20060061 of the Fort Bend County Plat Records, said 5/8-inch iron rod being in a westerly line of said 1651.239-acre tract;

THENCE N 03°32'21" W, 586.49 feet along a westerly line of said 1651.239-acre tract to a 5/8-inch iron rod with a Brown & Gay cap found for the southwest of Telfair Sec. 9, a plat of which is recorded at Plat No. 20070158 of the Fort Bend County Plat Records;

THENCE in an easterly direction along the southerly boundary of said Telfair Sec. 9 as follows:

N 86°27'39" E, 175.00 feet to a 5/8-inch iron rod with a Brown & Gay cap found for a corner;

N 03°32'21" W, 60.85 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of curvature of a curve to the right;

39.27 feet along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 90°00'00" and a chord which bears N 41°27'39" E, 35.36 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of tangency;

N 86°27'39" E, 200.00 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of curvature of a curve to the right;

39.27 feet along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 90°00'00" and a chord which bears S 48°32'21" E, 35.36 feet to a 5/8-inch iron rod with a Brown & Gay cap found for a corner;

N 86°27'39" E, 50.00 feet along a line which is radial with the last called curve and with the next called curve to a 5/8-inch iron rod with a Brown & Gay cap found for a corner;

39.27 feet along the arc of a curve to the right having a radius of 25.00 feet, a central angle of 90°00'00" and a chord which bears N 41°27'39" E, 35.36 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of tangency;



TELFAIR SEC. 19  
PLAT DESCRIPTION  
8.397 ACRES  
Page 2 of 3

N 86°27'39" E, 42.75 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of curvature of a curve to the right and being a southwesterly corner of Chatham Avenue Sec. 2, a plat of which is recorded at Plat No. 20070154 of the Fort Bend County Records;

THENCE in a southerly direction along the westerly right-of-way line (boundary) of said Chatham Avenue (width of R.O.W. varies) as follows:

38.42 feet along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 88°02'46" and a chord which bears S 49°30'58" E, 34.75 feet to a 5/8-inch iron rod with a Brown & Gay cap found for a point of reverse curvature;

302.17 feet along the arc of a curve to the left having a radius of 3035.00 feet, a central angle of 05°42'16" and a chord which bears S 08°20'43" E, 302.05 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of tangency;

S 11°11'51" E, 45.25 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of curvature of a curve to the left;

66.86 feet along the arc of said curve to the left having a radius of 500.00 feet, a central angle of 07°39'43" and a chord which bears S 15°01'43" E, 66.81 feet to a 5/8-inch iron rod with a Brown & Gay cap found for a point of compound curvature;

95.14 feet along the arc of a curve to the left having a radius of 1040.00 feet, a central angle of 05°14'29" and a chord which bears S 21°28'49" E, 95.11 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the most southerly southwest corner of said Chatham Avenue Sec. 2 and for a northwesterly corner of said New Territory Boulevard;

THENCE in a westerly direction along the northerly right-of-way line (boundary) of said New Territory Boulevard (width of R.O.W. varies) as follows:

S 24°08'03" E, 7.51 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of curvature of a curve to the right;

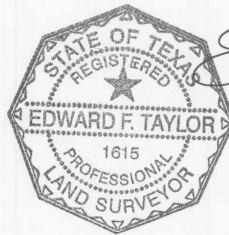
48.22 feet along the arc of said curve to the right having a radius of 30.00 feet, a central angle of 92°05'27" and a chord which bears S 21°56'40" W, 43.19 feet to a 5/8-inch iron rod with a Brown & Gay cap found for a point of compound curvature;

619.42 feet along the arc of a curve to the right having a radius of 1947.50 feet, a central angle of 18°13'25" and a chord which bears S 77°06'06" W, 616.81 feet to a 5/8-inch iron rod with a Brown & Gay cap found for the point of tangency;

S 86°12'49" W, 17.13 feet to the POINT OF BEGINNING and containing 8.397 acres of land.

TELFAIR SEC. 19  
PLAT DESCRIPTION  
8.397 ACRES  
Page 3 of 3

Bearing orientation is based on the Texas State Plane Coordinate System, South Central Zone, NAD83, with a bearing and distance of N 03°32'21" W, 9501.01 feet for a westerly line of a 1651.239-acre tract of land described in a deed recorded at Fort Bend County Clerk's File No. 2003149525 and monumented on the ground with a concrete monument found on the southerly end and a 1-inch iron pipe found on the northerly end.



*Edward F. Taylor*  
Edward F. Taylor, R.P.L.S No. 1615  
Brown & Gay Engineers, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042  
Telephone: (281) 558-8700

**Application:**



RECEIVED

SEP 04 2007

**PLANNING DEPARTMENT  
CONDITIONAL USE PERMIT OR REZONING APPLICATION**

PLANNING

Please type or print the following information & Return your submittal to the Planning Department, City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Development Review Coordinator

**Applicant**

Contact BROWN & GAY ENGINEERS, INC.  
Address 10777 WESTHEIMER, SUITE 400 HOUSTON, TX 77042  
Phone 281-558-8700 Fax 281-558-9701  
Email tyoungblood@brownGay.com

**Owner**

Contact NWP-TELFAIR, LP (NEWLAND COMMUNITIES)  
Address 10235 WEST LITTLE YORK, SUITE 300 HOUSTON, TX 77040  
Phone 713-575-9000 Fax 713-575-9001  
Email KBEHRENS@NEWLANDCOMMUNITIES.COM

Property Legal Description See Attached

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Current Zoning District TEMP R-1 Proposed Zoning District, if applicable R-1

If this is a CUP application: ☐ new building ☐ existing building

Proposed Use (CUP only) \_\_\_\_\_

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. **This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.**

X [Signature] 09.04.07  
Signature of Applicant Date

**Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):**

- ☒ Three (3) copies of the completed application
- ☒ Check for \$1,000.00 (non-refundable) \$400 if CUP is in Mixed Use Conservation (MUC) District
- ☐ Metes and bounds of the site or county slide number of plat, if recorded
- ☐ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☐ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☐ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

**Applicant Correspondence:**



September 4, 2007

RECEIVED

SEP 04 2007

PLANNING

Mr. Joe Zimmerman  
Chairman - Planning and Zoning  
City of Sugar Land  
2700 Town Center Blvd. North  
Sugar Land, TX 77479

Re: Permanent R-1 Zoning

Dear Mr. Zimmerman:

This is a request by us, Brown & Gay Engineers, Inc., on behalf of Newland Communities for a permanent R-1 Zoning for a certain 8.397 acre tract of land situated in the M.M. Battle League, Abstract 9, City of Sugar Land, Fort Bend County, Texas. This tract contains the proposed preliminary plat of Telfair Sec. 19. Included with this request is the completed application, a legal description of the property, a list of all the property owners within 200 feet of this boundary, and a map of the property.

Please let me know if you have any questions or comments.

Thank you for your consideration,

A handwritten signature in dark ink, appearing to read "P. Mullan", is written over a light blue horizontal line.

Phil Mullan, P.E.  
Project Manager

## **NOTICE OF PUBLIC HEARING**

**REQUEST FOR PERMANENT ZONING OF APPROXIMATELY 8.397 ACRES, TO BE KNOWN AS TELFAIR SECTION 19, LOCATED WITHIN TELFAIR (TRACT 4), NORTH OF NEW TERRITORY BOULEVARD, TO A STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT.**

**PROPOSED PERMANENT ZONING OF APPROXIMATELY 8.397 ACRES OF LAND FROM AN INTERIM R-1 ZONING DISTRICT TO A STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, BEING 8.397 ACRES OF LAND IN THE M. M. BATTLE LEAGUE, ABSTRACT NO. 9, FORT BEND COUNTY, TEXAS; MORE PARTICULARLY BEING A PORTION OF CALLED 1651.239 ACRE TRACT CONVEYED TO NNP-KEEPSAKE, L.P., BY INSTRUMENT OF RECORD IN FILE NO. 2003149525, OFFICIAL PUBLIC RECORDS, OF FORT BEND COUNTY (F.B.C.O.P.R.), NOW KNOWN AS NNP-TELFAR LP, BY INSTRUMENT OF RECORD IN FILE NO. 2006007940, AND AS SHOWN ON THE ATTACHED MAP.**

**PURPOSE: One (1) public hearing shall be held at which all persons interested in the proposed Permanent Zoning shall be given an opportunity to be heard.**

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER  
CITY HALL  
2700 TOWN CENTER BOULEVARD NORTH  
SUGAR LAND, TEXAS**

**WHEN: CITY OF SUGAR LAND  
CITY COUNCIL MEETING  
6:00 P.M., DECEMBER 4, 2007**

**DETAILS OF THE PROPOSED ZONING MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT [PLANNING@SUGARLANDTX.GOV](mailto:PLANNING@SUGARLANDTX.GOV). THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED AT CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.**